THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 13592 of 1996

DATED: 05..01..2006

BETWEEN:

Smt. Jafary Begum

W/o.Sri Wajeebul Hassan …Petitioner

and

Government of A.P., through Secretary,

Municipal Administration and Urban Development,

Secretariat, Hyderabad and two others …Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 13592 of 1996

ORDER:

This petition is filed questioning the memo No.4062/M1/93-2 MA dated 11-06-1996 calling upon the petitioner to pay Rs.1,07,400/- for relaxation of the zoning regulations in respect of the set backs and parking place.

2. The case of the petitioner is that since the construction is being made by her residential purpose, she need not pay any amount towards parking space.

3. While admitting the petition, the learned single judge passed the following interim order:

> There shall be interim stay to the extent of the demand for parking i.e. Rs.55,500/-, subject however, to the conditions that the petitioner deposits the remaining amounts of Rs.13,800/- and Rs.38,100/- within a period of six weeks from the date hereof. It is further directed that upon compliance of the said conditions as stipulated herein by the petitioner, the respondents shall not withdraw the decisions to grant the regularization and relaxation as already proposed."

4. Petitioner filed a supplementary (additional) affidavit.

5. During the course of hearing the learned senior counsel Sri C.P. Sarathy, appearing for the petitioner, stated that the petitioner is ready and willing to pay the remaining Rs.55,500/- also towards parking place as demanded in the impugned memo and so a direction may be given to the respondents to consider the request of the petitioners.

Learned standing counsel for the municipal corporation appearing on behalf of respondents 2 and 3 contends that since the GO under which the impugned order was passed is not in force due to the issuance of G.O. No.423 dated 30-07-1998, the petitioner may not be entitled to the relief sought.

6. Since the petitioner is willing to pay the amount demanded in the memo impugned, this writ petition is disposed of, giving liberty to the petitioner to approach the second respondent with her offer to pay the amount demanded from her for parking space Respondents 1 and 2 can take a decision on the said request of the petitioner as per the relevant Rules and bye-laws. Needless to mention that if the permission is refused to the petitioner, and if she had not made the construction in pursuance of the above interim order of this court, and if the petitioner had made the deposits as per the interim order, she is entitled to seek refund of the amounts deposited by her. The writ petition is disposed of accordingly. No costs.

_____

C.Y. SOMAYAJULU, J.

Dated: 05..01..2006.

rns